

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DARREN MCMULLEN,

Plaintiff,

v.

5:05-CV-1484  
(LEK/GHL)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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APPEARANCES:

OF COUNSEL:

OLINSKY & DIMARTINO LLP  
Attorneys for Plaintiff  
186 West First Street  
Historic First National Bank  
Oswego, New York 13126

JAYA ANN PERRY-SHURTLIFF, ESQ.

GEORGE H. LOWE, United States Magistrate Judge

**ORDER ON APPLICATION TO PROCEED WITHOUT  
PREPAYMENT OF FEES IN A SOCIAL SECURITY CASE**

Having considered Plaintiff's application to proceed without prepayment of fees and costs under 28 U.S.C. § 1915 (Dkt. No. 2), it is hereby

**ORDERED**, that Plaintiff's application is **GRANTED**, and that Plaintiff is entitled to proceed without the prepayment of fees and costs;<sup>1</sup> and it is further

**ORDERED**, that the Clerk of the Court is directed to issue a summons and a copy of

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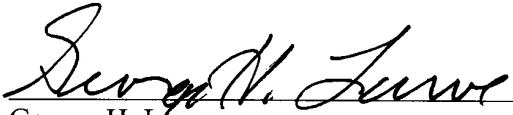
<sup>1</sup> Plaintiff should note that "[t]he granting of an *in forma pauperis* action shall in no way relieve the party of the obligation to pay all other fees for which such party is responsible regarding such action, including, but not limited to, copying and/or witness fees." L.R. 5.4(a). In addition, Plaintiff should note that "[j]udgment may be rendered for costs at the conclusion of the suit, but the United States shall not be liable for any of the costs thus incurred. If the United States has paid the cost of a stenographic transcript or printed record for the prevailing party, the same shall be taxed in favor of the United States." 28 U.S.C. § 1915(e).

General Order 18, and send them to Plaintiff's attorney, along with a copy of Plaintiff's Complaint (Dkt. No. 1) and a copy of this Order; and it is further

**ORDERED**, that Plaintiff's attorney is directed to serve a copy of the summons, Complaint, General Order 18, and this Order, upon:

1. The United States Attorney for the Northern District of New York, P.O. Box 7198, 100 South Clinton Street, Syracuse, New York 13261-7198 in accordance with Rule 4(i)(1)(A) of the Federal Rules of Civil Procedure;
2. The United States Attorney General, Constitution Avenue & 10th Street, N.W., Washington D.C. 20530 by **registered or certified mail** in accordance with Rule 4(i)(1)(B) of the Federal Rules of Civil Procedure; and
3. The Commissioner of Social Security, Office of General Counsel, Room 611, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235 by **registered or certified mail** in accordance with Rule 4(i)(2)(C) of the Federal Rules of Civil Procedure.

Dated: November 30, 2005  
Syracuse, New York

  
George H. Lowe  
United States Magistrate Judge